FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE				
Case 20-CA-316511 Date Filed 04/18/2023				

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

1 FMPLOVER A	GAINST WHOM CHARGE IS BROUGHT				
a. Name of Employer	b. Tel. No. (b) (6), (b) (7)(C)				
Friedman's Home Improvement	c. Cell No.				
		f. Fax No.			
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	g. e-Mail (b)(6),(b)(7)(C) friedmanshome.com			
4055 Santa Rosa Avenue Santa Rosa, CA 95407	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	h. Number of workers employed ~60			
i. Type of Establishment (factory, mine, wholesaler, etc) j. Identify principal product or service	•			
Retail	Home Improvement				
The above-named employer has engaged in and is engag Labor Relations Act, and these unfair labor practices are pr practices affecting commerce within the meaning of the Act	actices affecting commerce with the meaning of the				
2. Basis of the Charge (set forth a clear and conc	se statement of the facts constituting the alle	ged unfair labor practices)			
	_				
In the past six months, the above referenced	employer and/or an agent of the emplo	over interrogated employees			
regarding union activities, surveilled employ					
l salama amerikans, sarvemen empre,	ous, gave empreyees an impression of				
Full name of party filing charge (if labor organization)	n, give full name, including local name and numb	oor)			
United Food and Commercial Workers		<i>Jei)</i>			
Officed Food and Commercial Workers	international Onion, AFL-CIO				
4a. Address (Street and number, city, state, and ZIP co	ode)	4b. Tel. No.			
1775 K Street NW Washington, DC 20006-1598	4c. Cell No. (b) (6), (b) (7)(C)				
		4d. Fax No.			
4e. e-Mail jybarra@ufcw.org					
5. Full name of national or international labor organization)		o be filled in when charge is filed			
United Food and Commercial Work	ers International Union, AFL-CIO				
6. DECLARATIO	N	Tel. No. (510) 337-1001			
I declare that I have read the above charge and that the state and belief.	ments are true to the best of my knowledge	Office, if any, Cell No.			
Matter I lide	Matthew J. Erle, attorney	Fax No. (510) 337-1023			
(signature of representative or person making charge)	(Print/type name and title or office, if any)	e-Mail			
Address: Weinberg, Roger & Rosenfe 1375 55 th Street	April 18, 2023	nlrbnotices@unioncounsel.net			
Emeryville, CA 94608	(date)				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

April 20, 2023

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

Re: Friedman's Home Improvement

Case 20-CA-316511

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Jus H. Coffman

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABOR RELA	ATIONS BOARD			
	IONNAIRE ON COMME	RCE INFORMATION			
Please read carefully, answer all applicable items, and re	eturn to the NLRB Office. If addition	onal space is required, please add a p	age and id	dentify item number.	
CASE NAME	Tall to the NEXE Office. If addition	onal opaco lo rodallou, picaco ada a p		NUMBER	
			20-CA-	316511	
1. EXACT LEGAL TITLE OF ENTITY (As filed v	vith State and/or stated in legal	documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOL	E PROPRIETORSHIP [] OTH	IER (Spec	cify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subs	idiary) O	F ALL RELATED EN	NTITIES
OR FORMATION					
4. IF AN LLC OR ANY TYPE OF PARTNERSHI	IP, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PAR	RTNERS		
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NAME AND TITLE (Type or Print) SIGNATURE E-MAIL ADDRESS DATE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

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Charged Party

and

UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, AFL-

Charging Party

CIO

Case 20-CA-316511

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 20, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

April 20, 2023	Caroline Barker, Designated Agent of NLRB
Date	Name
	/s/ Caroline Barker
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156



April 20, 2023

Javier Ybarra, Union Representative UFCW AFL-CIO 1775 K Street NW Washington DC 20006-1598

REGION 20

450 Golden Gate Ave.

3rd Floor, Suite 3112

San Francisco, CA 94102

Re: Friedman's Home Improvement

Case 20-CA-316511

Dear Mr. Ybarra:

The charge that you filed in this case on April 18, 2023 has been docketed as case number 20-CA-316511. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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* * *

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office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Du H. Coffman

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

cc: Matthew J. Erle, Attorney
Weinberg Roger & Rosenfeld
1375 55th Street
Emeryville CA 94608



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- ➤ Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA.
 - We will **NOT** ask you about your immigration status.
 - O You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will **NOT** disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here:

 https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

FRIEDMAN'S HOME IMPROVEMENT	
Charged Party	
and	CASE 20-CA-316511; 20-CA-316534;
UNITED FOOD AND COMMERCIAL WORKERS	20-CA-316538; 20-CA-316520
INTERNATIONAL UNION, AFL-CIO	
Charging Party	
REGIONAL DIRECTOR EXECUTIVE SECRETARY	GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570	NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATION	IVE OF
Charged Party	
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:	
REPRESENTATIVE IS AN ATTORNEY	
REFRESERVATIVE IS AN ATTORNET	
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN	HAT THE PARTY MAY RECEIVE COPIES OF
BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V	VILL RECEIVE ONLY COPIES OF CERTAIN
DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN' CASEHANDLING MANUAL.	18 AS DESCRIBED IN SEC. 11842.3 OF THE
	M. ITTON
(REPRESENTATIVE INFORM	MATION)
Steve Hirschfeld; Jesse D. Sutz	
456 Montgomery Street, Suite 2200, San Fr	rancisco, CA 94104
E-MAIL ADDRESS: sh@hkemploymentlaw.com; jsutz@hkemploy	mentiaw.com
OFFICE TELEPHONE NUMBER: (415) 835-9000	
CELL PHONE NUMBER: (415) 83517	_{FAX:} (415) 834-0443
SIGNATURE:	
DATE: April 26, 2025	
V	

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
20-CA-316520	Date Filed 04/18/2023	

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

Case

1. EMPLOYER AGA	INST WHOM CHARGE IS BROUGHT			
a. Name of Employer	b. Tel. No. (b) (6), (b) (7)(C)			
Friedman's Home Improvement	c. Cell No.			
		f. Fax No.		
d. Address (Street, city, state, and ZIP code)	e. Employer Representative	g. e-Mail (b) (6), (b) (7)(c) friedmanshome.com		
4055 Santa Rosa Avenue Santa Rosa, CA 95407	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	h. Number of workers employed ~60		
i. Type of Establishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service			
Retail	Home Improvement			
The above-named employer has engaged in and is engaging Labor Relations Act, and these unfair labor practices are pract practices affecting commerce within the meaning of the Act an	ices affecting commerce with the meaning of the			
 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) In the past six months, the above referenced employer and/or an agent of the employer promulgated rules in response to union or section 7 activity, promulgated, maintained, and enforced work rules that reasonably tend to inhibit employees from exercising their rights under the Act, and denied off-duty employees access to public areas of the Employer's property. Full name of party filing charge (if labor organization, give full name, including local name and number) United Food and Commercial Workers International Union, AFL-CIO 				
4a. Address (Street and number, city, state, and ZIP code	9)	4b. Tel. No.		
1775 K Street NW Washington, DC 20006-1598		4c. Cell No. (b) (6), (b) (7)(C)		
		4d. Fax No.		
		4e. e-Mail jybarra@ufcw.org		
5. Full name of national or international labor organization by a labor organization) United Food and Commercial Worker		b be filled in when charge is filed		
6. DECLARATION		Tel. No. (510) 337-1001		
I declare that I have read the above charge and that the stateme and belief.	nts are true to the best of my knowledge	Office, if any, Cell No.		
Matte- fled	Matthew J. Erle, attorney	Fax No. (510) 337-1023		
(signature of representative or person making charge)	(Print/type name and title or office, if any)	e-Mail		
Address: Weinberg, Roger & Rosenfeld 1375 55 th Street Emeryville, CA 94608		nlrbnotices@unioncounsel.net		
2, 1, 2.1.7.1000				

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

April 20, 2023

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

Re: Friedman's Home Improvement

Case 20-CA-316520

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Jus H. Coffman

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABOR RELA	ATIONS BOARD		
	TIONNAIRE ON COMME	RCE INFORMATION		
Please read carefully, answer all applicable items, and	return to the NLRB Office. If addition	onal space is required, please add a pac	e and identify item nur	nber.
CASE NAME			CASE NUMBER	
			20-CA-316520	
1. EXACT LEGAL TITLE OF ENTITY (As filed	with State and/or stated in legal	documents forming entity)		
2. TYPE OF ENTITY				
[] CORPORATION [] LLC [] LLP	[] PARTNERSHIP [] SOL	E PROPRIETORSHIP [] OTHE	R (Specify)	
3. IF A CORPORATION or LLC	D NAME ADDRESS AND	A DEL ATIONELID (E OF ALL DELAT	PED EXPEPTES
A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subsid	iary) OF ALL RELAT	IED ENTITIES
4. IF AN LLC OR ANY TYPE OF PARTNERSH	IIP, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PART	NERS	
5. IF A SOLE PROPRIETORSHIP, FULL NAM	E AND ADDRESS OF PROPRI	IETOR		
6. BRIEFLY DESCRIBE THE NATURE OF YO	OUR OPERATIONS (Products h	andled or manufactured, or nature of s	ervices performed).	
7A. PRINCIPAL LOCATION:	7B. BRANC	TH LOCATIONS:		
8. NUMBER OF PEOPLE PRESENTLY EMPL	OYED			
A. TOTAL:	B. AT THE ADDRESS INV			
A. TOTAL: 9. DURING THE MOST RECENT (Check the ap				
9. DURING THE MOST RECENT (Check the ap	ppropriate box): [] CALENDAL	R []12 MONTHS or []FISCA	YES	NO NO
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SIGNATURE

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations
Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71
Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause
the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

DATE

E-MAIL ADDRESS

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

Charged Party

and

Case 20-CA-316520

UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, AFL-CIO

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 20, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

April 20, 2023	Caroline Barker, Designated Agent of NLRB
Date	Name
	/s/ Caroline Barker
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156



April 20, 2023

Javier Ybarra, Union Representative UFCW AFL-CIO 1775 K Street NW Washington DC 20006-1598

REGION 20

450 Golden Gate Ave.

3rd Floor, Suite 3112

San Francisco, CA 94102

Re: Friedman's Home Improvement

Case 20-CA-316520

Dear Mr. Ybarra:

The charge that you filed in this case on April 18, 2023 has been docketed as case number 20-CA-316520. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Ju H. Coffman

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

cc: Matthew J. Erle, Attorney
Weinberg Roger & Rosenfeld
1375 55th Street
Emeryville CA 94608-2609



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
 - We will **NOT** ask you about your immigration status.
 - O You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will **NOT** disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

FRIEDMAN'S HOME IMPROVEMENT	
Charged Party	
and	CASE 20-CA-316511; 20-CA-316534;
UNITED FOOD AND COMMERCIAL WORKERS	20-CA-316538; 20-CA-316520
INTERNATIONAL UNION, AFL-CIO	
Charging Party	
REGIONAL DIRECTOR EXECUTIVE SECRETARY	GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570	NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATION	IVE OF
Charged Party	
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:	
REPRESENTATIVE IS AN ATTORNEY	
REFRESERVATIVE IS AN ATTORNET	
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN	HAT THE PARTY MAY RECEIVE COPIES OF
BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V	VILL RECEIVE ONLY COPIES OF CERTAIN
DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN' CASEHANDLING MANUAL.	18 AS DESCRIBED IN SEC. 11842.3 OF THE
	M. ITTON
(REPRESENTATIVE INFORM	MATION)
Steve Hirschfeld; Jesse D. Sutz	
456 Montgomery Street, Suite 2200, San Fr	rancisco, CA 94104
E-MAIL ADDRESS: sh@hkemploymentlaw.com; jsutz@hkemploy	mentiaw.com
OFFICE TELEPHONE NUMBER: (415) 835-9000	
CELL PHONE NUMBER: (415) 83517	_{FAX:} (415) 834-0443
SIGNATURE:	
DATE: April 26, 2025	
V	

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case 20-CA-316534	Date Filed 04/18/2023	

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

	1 EMPLOYER AGA	INST WHOM CHARGE IS BROUGHT			
1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT a. Name of Employer		b. Tel. No. (b) (6), (b) (7)(C)			
Friedman's Home Improvement		c. Cell No.			
			f. Fax No.		
d. Address (Stre	et, city, state, and ZIP code)	e. Employer Representative	g. e-Mail (b) (6), (b) (7)(c) friedmanshome.com		
1	Santa Rosa Avenue Rosa, CA 95407	(b) (6), (b) (7)(C) (b) (6), (b) $(7)(C)$	h. Number of workers employed ${\sim}60$		
i. Type of Establis	shment (factory, mine, wholesaler, etc.)	i. Identify principal product or service			
Retail		Home Improvement			
The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce with the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.					
2. Basis of the	Charge (set forth a clear and concise	statement of the facts constituting the alleg	ged unfair labor practices)		
In the past six	In the past six months, the above referenced employer and/or an agent of the employer by disciplining employees for				
engaging in union activity.					
		give full name, including local name and numb	er)		
United Fo	od and Commercial Workers Int	ernational Union, AFL-CIO			
4a. Address (Str	eet and number, city, state, and ZIP code)	4b. Tel. No.		
1775 K Street NW Washington, DC 20006-1598		4c. Cell No. (b) (6), (b) (7)(C)			
			4d. Fax No.		
			4e. e-Mail jybarra@ufcw.org		
by a labor organ	nization)	n of which it is an affiliate or constituent unit (to	be filled in when charge is filed		
United	d Food and Commercial Workers	s International Union, AFL-CIO			
	6. DECLARATION		Tel. No. (510) 337-1001		
I declare that I ha	ve read the above charge and that the statement and belief.	nts are true to the best of my knowledge	Office, if any, Cell No.		
- Alleria	of corresponds the or person making shared	Matthew J. Erle, attorney	Fax No. (510) 337-1023		
(signature)	of representative or person making charge)	(Print/type name and title or office, if any)	e-Mail		
Address:	Weinberg, Roger & Rosenfeld 1375 55 th Street	April 18, 2023	nlrbnotices@unioncounsel.net		
	Emeryville, CA 94608	(date)			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

April 20, 2023

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

Re: Friedman's Home Improvement

Case 20-CA-316534

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

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<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Jus H. Coffman

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 (3-11)	NATIONAL LABOR RELA	ATIONS BOARD			
	IONNAIRE ON COMME	ERCE INFORMATION			
Please read carefully, answer all applicable items, and re	eturn to the NLRB Office. If addition	onal space is required, please add a p	age and i	dentify item number.	
CASE NAME				NUMBER	
			20-CA-	-316534	
1. EXACT LEGAL TITLE OF ENTITY (As filed v	vith State and/or stated in legal	l documents forming entity)			
2. TYPE OF ENTITY					
[] CORPORATION [] LLC [] LLP [] PARTNERSHIP [] SOL	E PROPRIETORSHIP [] OTH	ER (Spe	cify)	
3. IF A CORPORATION or LLC					
A. STATE OF INCORPORATION	B. NAME, ADDRESS, AND	RELATIONSHIP (e.g. parent, subs	idiary) O	F ALL RELATED EN	NTITIES
OR FORMATION					
4. IF AN LLC OR ANY TYPE OF PARTNERSHI	IP, FULL NAME AND ADDRI	ESS OF ALL MEMBERS OR PAR	TNERS		
	•				
5. IF A SOLE PROPRIETORSHIP, FULL NAME	E AND ADDRESS OF PROPR	IETOR			
				-	
6. BRIEFLY DESCRIBE THE NATURE OF YOU	UR OPERATIONS (Products h	andled or manufactured, or nature o	fservices	performed).	
7A. PRINCIPAL LOCATION:	7B. BRANC	CH LOCATIONS:			
8. NUMBER OF PEOPLE PRESENTLY EMPLO	YED				
A. TOTAL:	B. AT THE ADDRESS INV				
A. TOTAL: 9. DURING THE MOST RECENT (Check the app			AL YEA)
9. DURING THE MOST RECENT (Check the app	propriate box): [] CALENDAL	R []12 MONTHS or []FISC		AR (FYDATESYES) NO
	propriate box): [] CALENDAL	R []12 MONTHS or []FISC) NO
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 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

 NAME AND TITLE (Type or Print)
 SIGNATURE
 E-MAIL ADDRESS
 DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

FRIEDMAN'S	HOME	IMPROVEMENT
TRIEDMANS	HOME	

Charged Party

and

UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, AFL-

Charging Party

CIO

Case 20-CA-316534

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 20, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

April 20, 2023	Caroline Barker, Designated Agent of NLRB
Date	Name
	/s/ Caroline Barker
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

April 20, 2023

Javier Ybarra, Union Representative UFCW AFL-CIO 1775 K Street NW Washington DC 20006-1598

Re: Friedman's Home Improvement

Case 20-CA-316534

Dear Mr. Ybarra:

The charge that you filed in this case on April 18, 2023 has been docketed as case number 20-CA-316534. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

<u>Correspondence</u>: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, <u>www.nlrb.gov</u>. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. To ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

<u>Controlled Unclassified Information (CUI)</u>: This National Labor Relations Board (NLRB) proceeding may contain Controlled Unclassified Information (CUI). Subsequent information in this proceeding may also constitute CUI. National Archives and Records Administration (NARA) regulations at 32 CFR Part 2002 apply to all executive branch agencies that designate or handle information that meets the standards for CUI.

* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Ju H. Coffman

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

cc: Matthew J. Erle, Attorney
Weinberg Roger & Rosenfeld
1375 55th Street
Emeryville CA 94608-2609



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
 - We will **NOT** ask you about your immigration status.
 - O You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will **NOT** disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here:

 https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

FRIEDMAN'S HOME IMPROVEMENT		
Charged Party		
	20 04 240544, 20 04 240524,	
united food and commercial workers INTERNATIONAL UNION, AFL-CIO	CASE 20-CA-316511; 20-CA-316534; 20-CA-316538; 20-CA-316520	
Charging Party		
REGIONAL DIRECTOR EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570	GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570	
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTAT	IVE OF	
Charged Party		
THE ADOLE CARRIONED WATER		
IN THE ABOVE-CAPTIONED MATTER.		
CHECK THE APPROPRIATE BOX(ES) BELOW: REPRESENTATIVE IS AN ATTORNEY IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY VI DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN	ADDITION TO THOSE DESCRIBED BELOW, THIS VILL RECEIVE ONLY COPIES OF CERTAIN	
CASEHANDLING MANUAL.		
(REPRESENTATIVE INFOR	MATION)	
Steve Hirschfeld; Jesse D. Sutz		
NAME:456 Montgomery Street, Suite 2200, San Fr	rancisco, CA 94104	
E-MAIL ADDRESS: sh@hkemploymentlaw.com; jsutz@hkemploy	mentiaw.com	
OFFICE TELEPHONE NUMBER: (415) 835-9000		
CELL PHONE NUMBER: (415) 83517	_{FAX:} (415) 834-0443	
SIGNATURE:		
DATE: April 26, 2025		

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

FORM NLRB-501 (3-21)

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE		
Case 20-CA-316538	Date Filed 04/18/2023	

INSTRUCTIONS:

File an original with NLRB Regional Director for the Region in which the alleged unfair labor practice occurred or is occurring

	1. EMPLOYER AGA	INST WHOM CHARGE IS BROUGHT	(6) (6) (6) (7)(6)
a. Name of Employer			b. Tel. No. (b) (6), (b) (7)(C)
Friedman's Home Improvement		c. Cell No.	
			f. Fax No.
d. Address	(Street, city, state, and ZIP code)	e. Employer Representative	g. e-Mail (b)(6),(b)(7)(C) friedmanshome.com
1	955 Santa Rosa Avenue anta Rosa, CA 95407	(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	h. Number of workers employed ~60
i. Type of E	stablishment (factory, mine, wholesaler, etc.)	j. Identify principal product or service	
R	etail	Home Improvement	
National Lab	amed employer has engaged in and is engaging or Relations Act, and these unfair labor practices a affecting commerce within the meaning of the Ac	are practices affecting commerce with the meaning	
In the past	of the Charge (set forth a clear and concise st six months, the above referenced ention by forming a company union.	nployer and/or an agent of the emplo	yer dominated or assisted a labor
	ne of party filing charge <i>(if labor organization, g</i> d Food and Commercial Workers Int		er)
	s (Street and number, city, state, and ZIP code)	4b. Tel. No.
1775 K Street NW Washington, DC 20006-1598		4c. Cell No. (b) (6), (b) (7)(C)	
			4d. Fax No.
			4e. e-Mail jybarra@ufcw.org
by a labor	ne of national or international labor organization organization) nited Food and Commercial Workers	•	o be filled in when charge is filed
	6. DECLARATION		T-I N- (510) 227 1001
DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			Tel. No. (510) 337-1001 Office, if any, Cell No.
	Monte I lede	Matthew J. Erle, attorney	Fax No. (510) 337-1023
(sig	nature of representative or person making charge)	(Print/type name and title or office, if	e-Mail
Address:	Weinberg, Roger & Rosenfeld 1375 55 th Street Emeryville, CA 94608	April 18, 2023 (date)	nlrbnotices@unioncounsel.net

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

April 20, 2023

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

Re: Friedman's Home Improvement

Case 20-CA-316538

Dear (b) (6), (b) (7)(C)

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not

enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

<u>Prohibition on Recording Affidavit Interviews:</u> It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

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* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB office upon your request. NLRB Form 4541, Investigative Procedures offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Jus H. Coffman

Enclosures:

- 1. Copy of Charge
- 2. Commerce Questionnaire

FORM NLRB-5081 NATIONAL LABOR RELATIONS BOARD (3-11)							
QUESTIONNAIRE ON COMMERCE INFORMATION							
Please read	carefully, answer all applicable items, and r	eturn to the NLRB Office.	If addition	nal space is required, please add	a page and	identify item number.	
CASE NAM	ЛЕ				_ I	NUMBER -316538	
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 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

 NAME AND TITLE (Type or Print)
 SIGNATURE
 E-MAIL ADDRESS
 DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

FRI	EDM	IAN'S	HOME	IMPR(DVEMENT

Charged Party

and

Case 20-CA-316538

UNITED FOOD AND COMMERCIAL WORKERS INTERNATIONAL UNION, AFL-CIO

Charging Party

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on April 20, 2023, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

(b) (6), (b) (7)(C)

Friedman's Home Improvement 4055 Santa Rosa Avenue Santa Rosa CA 95407

April 20, 2023	Caroline Barker, Designated Agent of NLRB
Date	Name
	/s/ Caroline Barker
	Signature



UNITED STATES GOVERNMENT NATIONAL LABOR RELATIONS BOARD

REGION 20 450 Golden Gate Ave. 3rd Floor, Suite 3112 San Francisco, CA 94102

Agency Website: www.nlrb.gov Telephone: (415)356-5130 Fax: (415)356-5156 Download NLRB Mobile App

April 20, 2023

Javier Ybarra, Union Representative United Food and Commercial Workers International Union, AFL-CIO 1775 K Street NW Washington, DC 20006-1598

Re: Friedman's Home Improvement

Case 20-CA-316538

Dear Mr. Ybarra:

The charge that you filed in this case on April 18, 2023 has been docketed as case number 20-CA-316538. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

<u>Investigator</u>: This charge is being investigated by Field Attorney CECILY VIX whose telephone number is (628)221-8877. If this Board agent is not available, you may contact Supervisory Attorney JENNIFER BENESIS whose telephone number is (628)221-8846.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701*, *Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

<u>Presentation of Your Evidence</u>: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

<u>Preservation of all Potential Evidence:</u> Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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* * *

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

JILL H. COFFMAN Regional Director

Die H. Coffman

Enclosure

1. Important Information About NLRB Investigations for Immigrant Workers (English & Spanish)

cc: Matthew J. Erle, Attorney
Weinberg Roger & Rosenfeld
1375 55th Street
Emeryville, CA 94608-2609



Important Information About NLRB Investigations for Immigrant Workers



The National Labor Relations Act (NLRA) protects most private-sector employees, <u>regardless</u> of their immigration status. The NLRA gives employees the right to:

- Form, join, or assist a union to negotiate concerning wages and other working conditions.
- Discuss wages and other working conditions with coworkers, a union, a worker center, a government agency, the media, or the public.
- Take collective action with coworkers to try to improve wages and other working conditions.
- ➤ Choose not to take part in any of these actions.

Below is important information for you to know about our confidential investigation process:

- Because immigration status is not relevant as to whether there has been a violation of the NLRA:
 - We will **NOT** ask you about your immigration status.
 - O You **DO NOT** need to share any information with us about your immigration status.
 - You DO NOT need to share information about the status of your current/former coworkers.
- We only enforce the NLRA and have **NO** involvement with the enforcement of immigration laws.
- We will **NOT** share any information about you with the Department of Homeland Security (DHS), including Immigration and Customs Enforcement (ICE), or any other immigration authorities, unless you request that we share your information to assist you with seeking immigration relief, as described in the last bulleted point of this document.
- If you have concerns about appearing at our offices for any reason, please speak with the Board Agent assigned to the case about other methods of participating in the investigation, including taking your affidavit outside of our office or by video.
- Our investigations are confidential, which means that we will **NOT** disclose your affidavit to an employer, unless you testify at a trial, or we seek a federal court injunction.
- If you are not comfortable communicating with us in English, we will make an interpreter available to provide assistance and information in your preferred language.
- If you are aware that an employer or union has engaged in any of the following conduct, please tell the Board Agent about it because it may violate the law:

- Threatening to call DHS or ICE or making other similar threats because you or other employees have engaged in union activity or other collective action to improve working conditions.
- Asking employees to provide new or updated immigration documents/papers or reverifying employees' work authorization without a valid, non-discriminatory reason, which could violate the NLRA or other laws.
- If, at the end of the investigation, we determine there is merit to the charge (the employer or union has violated the law) and we have to litigate the case before an Administrative Law Judge, we will make every effort to prevent the employer or union from asking you about your immigration status.
- If you have filed a charge or are a witness and you or your representative tells us that there is NLRA protected activity at a worksite and immigration relief is necessary to protect employees who are exercising those rights or participating in the NLRB process, the NLRB will consider seeking immigration relief for employees at that worksite including deferred action, parole, U or T visa status, or other relief as available and appropriate. The NLRB cannot provide immigration advice. If you need immigration counsel, a list of providers of free legal services is available here: https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

For more information on the NLRB, please visit our website, www.nlrb.gov.



Información Importante Acerca de las Investigaciones de la NLRB para los Trabajadores Inmigrantes



La Ley Nacional de Relaciones del Trabajo (NLRA por sus siglas en inglés) protege a la mayoría de los empleados del sector privado, <u>independientemente</u> de su estatus migratorio. La NLRA les da a los empleados el derecho a:

- Formar, afiliarse o ayudar a una unión para negociar sobre los salarios y otras condiciones de trabajo.
- Discutir los salarios y otras condiciones de trabajo con los compañeros de trabajo, una unión, un centro de trabajadores, una agencia gubernamental, los medios de comunicación o el público.
- > Tomar acciones colectivas con los compañeros de trabajo para tratar de mejorar los salarios y otras condiciones de trabajo.
- > Optar por no participar en ninguna de estas acciones.

A continuación, le presentamos información importante que debe conocer acerca de nuestro proceso de investigación confidencial:

- Porque el estatus migratorio no es pertinente si ha habido una violación de la NLRA:
 - o Nosotros **NO** le preguntaremos sobre su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información con nosotros acerca de su estatus migratorio.
 - Usted NO NECESITA compartir ninguna información sobre el estatus [migratorio] de sus actuales/antiguos compañeros de trabajo.
- Sólo hacemos cumplir la NLRA y **NO** estamos involucrados en el cumplimiento de las leyes de inmigración.
- NO compartimos ninguna información sobre usted con el Departamento de Seguridad Nacional (DHS por sus siglas en inglés), incluyendo el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés) o cualquier otra autoridad de inmigración, a menos que usted solicite que compartamos su información para ayudarle a buscar alivio migratorio, como se describe en el último punto de este documento.
- Si tiene preocupaciones acerca de presentarse en nuestras oficinas por cualquier razón, por favor hable con el agente de la Junta asignado al caso sobre otras maneras de participar en la investigación, incluyendo tomar su declaración jurada fuera de nuestra oficina o por video.
- Nuestras investigaciones son confidenciales, lo que significa que **NO** divulgaremos su declaración jurada a un empleador, a menos que usted testifique en un juicio, o que busquemos un mandato judicial federal.
- Si no está cómodo/a comunicándose con nosotros en inglés, tendremos un intérprete disponible para proporcionarle asistencia e información en su idioma predilecto.

- Si usted sabe que un empleador o unión ha incurrido en alguna de las siguientes conductas, por favor infórmele al agente de la Junta ya que puede violar la ley:
 - Amenazar con llamar al DHS o al ICE o hacer otras amenazas similares porque usted u otros empleados han participado en actividades sindicales u otras acciones colectivas para mejorar las condiciones de trabajo.
 - Pedir a los empleados que proporcionen documentos/papeles de inmigración nuevos o actualizados o volver a verificar la autorización de trabajo de los empleados sin una razón válida y no discriminatoria, que podría violar la NLRA u otras leyes.
- Si, al final de la investigación, determinamos que el cargo tiene mérito (el empleador o la unión han violado la ley) y tenemos que litigar el caso frente a un Juez de Ley Administrativa, haremos todo lo posible para evitar que el empleador o la unión le pregunten sobre su estatus migratorio.
- Si usted ha presentado un cargo o es un testigo y usted o su representante nos dice que se hay una actividad protegida por la NLRA en un lugar de trabajo y que es necesario un alivio migratorio para proteger a los empleados que están ejerciendo esos derechos o participando en el proceso de la Junta Nacional de Relaciones del Trabajo (NLRB por sus siglas en ingles), la NLRB considerará la posibilidad de buscar un alivio migratorio para los empleados en ese lugar de trabajo, incluyendo la acción diferida, la libertad condicional, visas U o T u otro alivio en la medida en que esté disponible y sea apropiado. La NLRB no puede proporcionar asesoramiento de inmigración. Si necesita asesoramiento de inmigración, una lista de proveedores de servicios legales sin costo se encuentra disponible aquí (en inglés): https://www.justice.gov/eoir/list-pro-bono-legal-service-providers.

Para más información acerca de la NLRB, por favor visite nuestra página web, www.nlrb.gov.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

FRIEDMAN'S HOME IMPROVEMENT	
Charged Party	
and	CASE 20-CA-316511; 20-CA-316534;
UNITED FOOD AND COMMERCIAL WORKERS	20-CA-316538; 20-CA-316520
INTERNATIONAL UNION, AFL-CIO	
Charging Party	
REGIONAL DIRECTOR EXECUTIVE SECRETARY	GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570	NATIONAL LABOR RELATIONS BOARD Wash ngton, DC 20570
THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATION	IVE OF
Charged Party	
IN THE ABOVE-CAPTIONED MATTER.	
CHECK THE APPROPRIATE BOX(ES) BELOW:	
REPRESENTATIVE IS AN ATTORNEY	
REFRESERVATIVE IS AN ATTORNET	
IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE TO CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN	HAT THE PARTY MAY RECEIVE COPIES OF
BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY V	VILL RECEIVE ONLY COPIES OF CERTAIN
DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMEN' CASEHANDLING MANUAL.	18 AS DESCRIBED IN SEC. 11842.3 OF THE
	M. ITTON
(REPRESENTATIVE INFORM	MATION)
Steve Hirschfeld; Jesse D. Sutz	
456 Montgomery Street, Suite 2200, San Fr	rancisco, CA 94104
E-MAIL ADDRESS: sh@hkemploymentlaw.com; jsutz@hkemploy	mentiaw.com
OFFICE TELEPHONE NUMBER: (415) 835-9000	
CELL PHONE NUMBER: (415) 83517	_{FAX:} (415) 834-0443
SIGNATURE:	
DATE: April 26, 2025	
V	

 $^{^{\}rm 1}$ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE